

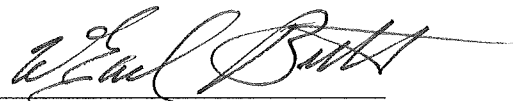
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-HC-2177-BR

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	<u>ORDER</u>
v.)	
)	
JAMES BARTON HORN,)	
)	
Respondent.)	

This matter is before the court, in part, on respondent's 3 October 2011 *pro se* Motion for Summary Judgment or for Partial Summary Judgment (DE # 99). Because respondent is represented by counsel, the motion (DE #99) is DENIED WITHOUT PREJUDICE. The merits of this action will be decided in the commitment hearing scheduled to commence 24 October 2011.

Also before the court are respondent's *pro se* Motion to Appoint Substitute Counsel (DE # 109), which was mailed on 10 October 2011 and docketed on 14 October 2011, and a notice, docketed as a motion (DE # 110), filed by respondent's counsel on 14 October 2011, withdrawing the *pro se* motion. On 13 October 2011, the court held a hearing which resolved the issues raised. Accordingly, the motions (DE # 109, 110) are DENIED AS MOOT.

This 24 October 2011.



W. Earl Britt
Senior U.S. District Judge